

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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PHILLIP SINGFIELD,

Petitioner,

v.

WARDEN RICHARD A.

BOWEN JR.,

Respondent.

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CASE NO. 19-cv-2558

ORDER

[Resolving Doc. 1]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner Phillip Singfield is an Ohio inmate serving a 14-year sentence for two counts of aggravated robbery and related offenses. On October 31, 2019, Singfield petitioned this Court for federal habeas corpus relief under 28 U.S.C. § 2254.<sup>1</sup>

Singfield's petition was referred to Magistrate Judge Clay, and on December 12, 2022, Judge Clay issued a Report and Recommendation ("R&R") recommending that this Court dismiss Singfield's petition and deny him a certificate of appealability.<sup>2</sup>

Singfield raises two arguments for relief. First, Singfield asserts that the state trial court violated Singfield's due process rights by dismissing his state habeas petition with prejudice before it held a hearing on the petition's merits.<sup>3</sup> Second, Singfield claims that the state trial court sentenced him ambiguously, such that he was actually sentenced to serve 8 years instead of 14. Because Singfield has already served more than 8 years of his 14-year sentence, he argues that he is now wrongfully incarcerated.<sup>4</sup>

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 8.

<sup>3</sup> *Id.* at PageID 749

<sup>4</sup> *Id.*

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The R&R rejects Singfield's due process claim as non-cognizable under federal habeas review. A state court's decision to dismiss with or without prejudice is a matter of state law, and—with limited exceptions that do not apply here—is not reviewable through federal habeas.<sup>5</sup>

Likewise, the R&R rejects Singfield's ambiguous-sentencing argument as time-barred under AEDPA and meritless even if it were timely.<sup>6</sup>

Because Petitioner Singfield filed no objections to the R&R, the Court is free to adopt the R&R without review.<sup>7</sup> Even so, the Court has examined the petition and agrees that both of Petitioner's grounds for relief fail.

So, the Court ADOPTS Magistrate Judge Clay's R&R in full and DENIES Singfield's § 2254 petition and any associated certificate of appealability.

IT IS SO ORDERED.

Dated: February 2, 2023

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> *Id.* at PageID 757 (citing *Estelle v. McGuire*, 502 U.S. 62, 67 (1991); *Bradshaw v. Richey*, 546 U.S. 74, 76 (2005)).

<sup>6</sup> *Id.* at PageID 760-61.

<sup>7</sup> *Thomas v. Arn*, 474 U.S. 140, 149 (1985).